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14 Attorneys for Defendants
15 MATSON NAVIGATION COMPANY, INC.
16 AND ALEXANDER & BALDWIN, INC.

17

UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

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LAURA CUTLER, Individually and on Behalf) Case No. CV 08-3629 JL
20 of All Others Similarly Situated,)
21 Plaintiff,) STIPULATION RE EXTENSION OF
22 v.) RESPONSIVE PLEADING DEADLINE
23 HORIZON LINES, INC.; HORIZON LINES,)
24 LLC; MATSON NAVIGATION COMPANY,)
25 INC.; and ALEXANDER & BALDWIN, INC.,)
26 Defendants.)
27)
28)

1 WHEREAS the undersigned plaintiff has filed the above-captioned case;

2 WHEREAS plaintiff alleges antitrust violations on behalf of purchasers of domestic
3 containerized ocean shipping services for service between the continental United States and
4 Hawaii ("Hawaiian Ocean Shipping");

5 WHEREAS seventeen complaints have been filed to date in multiple federal district courts
6 by plaintiffs purporting to bring class actions on behalf of purchasers of Hawaiian Ocean Shipping
7 (collectively "the Hawaiian Ocean Shipping Cases");

8 WHEREAS, a motion is pending before the Judicial Panel on Multidistrict Litigation (the
9 "Panel") to transfer the Hawaiian Ocean Shipping Cases to this jurisdiction for coordinated and
10 consolidated pretrial proceedings pursuant to 28 U.S.C. section 1407;

11 WHEREAS, a hearing on the motion for transfer was held on July 31, 2008 before the
12 Panel, and the cases will likely be transferred by the end of August 2008;

13 WHEREAS plaintiff anticipates the possibility of a Consolidated Complaint in the
14 Hawaiian Ocean Shipping Cases;

15 WHEREAS plaintiff and Matson Navigation Company, Inc., Alexander & Baldwin, Inc.,
16 Horizon Lines, LLC, and Horizon Lines, Inc., ("Defendants") have agreed that an orderly schedule
17 for any response to the pleadings in the Hawaiian Ocean Shipping Cases would be more efficient
18 for the parties and for the Court;

19 PURSUANT TO CIVIL LOCAL RULE 6-1(a), PLAINTIFF AND DEFENDANTS, BY
20 AND THROUGH THEIR RESPECTIVE COUNSEL OF RECORD, HEREBY STIPULATE AS
21 FOLLOWS:

22 1. The deadline for Defendants to answer, move, or otherwise respond to plaintiff's
23 Complaint shall be extended until the earliest of the following dates: (1) forty-five days after the
24 filing of a Consolidated Complaint in the Hawaiian Ocean Shipping Cases; or (2) forty-five days
25 after plaintiff provides written notice to Defendants that plaintiff does not intend to file a
26 Consolidated Complaint, provided however, that in the event that Defendants should agree to an
27 earlier response date in any Hawaiian Ocean Shipping Case, Defendants will respond to the
28 Complaint in the above-captioned case on that earlier date.

1 2. This Stipulation does not constitute a waiver by Defendants of any defense,
2 including but not limited to the defenses of lack of personal jurisdiction, subject matter
3 jurisdiction, improper venue, or service of process.

4 IT IS SO STIPULATED.

5 Dated: August 4, 2008

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18 19 Alexander & Baldwin, Inc.

20 21 Dated: August 4, 2008

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1 Dated: August 4, 2008

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